

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

DAVID MICHAEL NABITY,

Defendant.

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8:11CR161

ORDER

This matter is before the court on the motion for an extension of time by defendant David Michael Nabity (Nabity) (Filing No. 19). Nabity seeks an extension to December 30, 2011, in which to file pretrial motions in accordance with the progression order. Upon consideration, the motion will be granted.

IT IS ORDERED:

Defendant Nabity's motion for an extension of time (Filing No. 19) is granted. Nabity is given until **on or before December 30, 2011**, in which to file pretrial motions pursuant to the progression order. The ends of justice have been served by granting such motion and outweigh the interests of the public and the defendant in a speedy trial. The additional **time** arising as a result of the granting of the motion, i.e., the time between **December 20, 2011, and December 30, 2011**, shall be deemed **excludable** time in any computation of time under the requirement of the Speedy Trial Act for the reason defendant's counsel requires additional time to adequately prepare the case, taking into consideration due diligence of counsel, and the novelty and complexity of this case. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(7)(A) & (B).

DATED this 20th day of December, 2011.

BY THE COURT:

s/Thomas D. Thalken
United States Magistrate Judge